

~~ORIGINAL~~

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK
 - - - - - x

UNITED STATES OF AMERICA : INDICTMENT

- v. - :

AKIL GUITAN, :

Defendant. :

- - - - - x

| |
|-------------------------------|
| USDC SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: |
| DATE FILED SEP 25 2007 |

07 CRIM. 901

COUNT ONE

(Conspiracy To Commit Bank Fraud)

The Grand Jury charges:

1. From in or about August 2005, up to and including in or about September 2005, in the Southern District of New York and elsewhere, AKIL GUITAN, the defendant, and others known and unknown, unlawfully, willfully, and knowingly, did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 1344.

2. It was a part and an object of the conspiracy that AKIL GUITAN, the defendant, unlawfully, willfully, and knowingly would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain monies, funds, credits, assets, securities, and property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises.

JUDGE CASTILLE

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about August 29, 2005, in the Southern District of New York, AKIL GUITAN, the defendant, withdrew approximately \$1,700.00 in cash from his checking account with Bank of America.

b. On or about September 1, 2005, in the Southern District of New York, GUITAN withdrew approximately \$1,560.00 in cash from his checking account with Bank of America.

c. On or about September 6, 2005, in the Southern District of New York, GUITAN withdrew approximately \$1,230.00 in cash from his checking account with Bank of America.

d. On or about September 8, 2005, in the Southern District of New York, GUITAN withdrew approximately \$4,100.00 in cash from his checking account with Bank of America.

e. On or about September 12, 2005, in the Southern District of New York, GUITAN withdrew approximately \$1,544.00 in cash from his checking account with Bank of America.

f. On or about September 14, 2005, in the Southern District of New York, GUITAN withdrew approximately \$1,200.00 in cash from his checking account with Bank of America.

g. On or about September 22, 2005, in the Southern District of New York, GUITAN withdrew approximately \$2,100.00 in cash from his checking account with Bank of America.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Bank Fraud)

The Grand Jury further charges:

4. From in or about August 2005, up to and including in or about September 2005, in the Southern District of New York and elsewhere, AKIL GUITAN, the defendant, unlawfully, willfully, and knowingly, did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, GUITAN withdrew the proceeds of stolen United States Treasury checks, which were fraudulently endorsed and deposited into GUITAN's checking account with Bank of America.

(Title 18, United States Codes, Sections 1344, 2.)

COUNT THREE

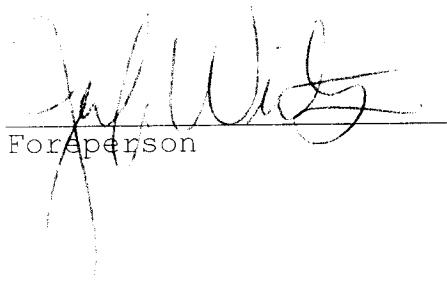
(Theft of Government Property)

The Grand Jury further charges:

5. From in or about August 2005, up to and including in or about September 2005, in the Southern District of New York

and elsewhere, AKIL GUITAN, the defendant, unlawfully, willfully, and knowingly, did embezzle, steal, purloin, and convert to his own use and the use of another, and without authority, did sell, convey, and dispose of a thing of value exceeding \$1,000 of the United States and a department and agency thereof, and did receive, conceal, and retain the same with intent to convert it to his own use and gain, knowing it to have been embezzled, stolen, purloined, and converted, to wit, GUITAN fraudulently permitted checks issued by the United States Treasury, to which he was not entitled, to be deposited into his bank account, and withdrew the proceeds of those checks.

(Title 18, United States Code, Sections 641 and 2.)



Jay W. Guitan
Foreperson



Michael J. Garcia
MICHAEL J. GARCIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

AKIL GUITAN,
Defendant.

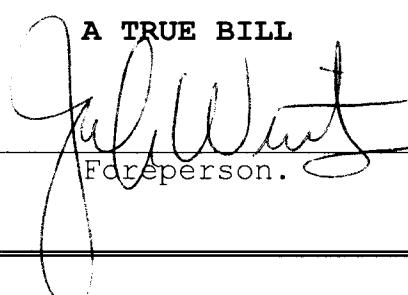
INDICTMENT

07 Cr.

(18 U.S.C. §§ 1349, 1344, 641, 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.
